
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

BENJAMIN VIENT,

Plaintiff,

vs.

ANCESTRY,

Defendant,

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:19-CV-51-DAK

Judge Dale A. Kimball

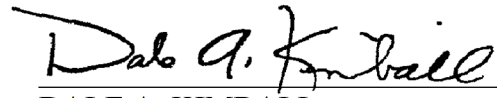
This matter is before the court on Plaintiff's Motion for Relief Under Federal Rule of Civil Procedure 60(b) [ECF No. 99]. This is Plaintiff's fifth motion for relief under Rule 60. Plaintiff does not advance any new arguments that were not already resolved in the case. Rule 60(b)'s reference to excusable neglect is not intended to allow a party to raise new issues that were available to them while the case was being litigated. If Plaintiff wanted leave to attempt further service, he should have requested such leave when the case was still open and the parties were disputing whether service was proper. That remedy is now foreclosed. Therefore, the court DENIES Plaintiff's motion for reconsideration.

The case has been closed for approximately a year, and Plaintiff has filed serial, meritless motions during that time. Defendant's opposition to this motion informed the court that Plaintiff filed nineteen post-judgment motions in another case, thirteen of which were filed after the court sanctioned Plaintiff and ordered him to stop filing any more motions. The court cannot allow Plaintiff to abuse the system like that in this case. Five post-judgment motions is already an

excessive number of motions. At this time, the court bars Plaintiff from filing anything other than a notice of appeal in this action. Defendant is not obligated to respond to anything Plaintiff files after the date of this Order.

DATED this 25th day of January, 2022.

BY THE COURT:



DALE A. KIMBALL,
United States District Judge